



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,131	08/09/2000	Tetsuya Kato	072982/0204	5567

22428 7590 12/30/2003

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

MOORE JR, MICHAEL J

ART UNIT	PAPER NUMBER
----------	--------------

2666

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,131

Applicant(s)

KATO, TETSUYA

Examiner

Michael J Moore, Jr.

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 6-8 is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 3, 4 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 10, line 7, the word "mean" should be "means". On page 15, line 10, "network 41" should be "network 42". On page 16, line 4, "analyzer 24" should be "analyzer 45". On page 17, line 6, "request analyzer 46" should be "request analyzer 45". On page 17, line 23, the word "even" should be "event". On page 20, line 13, "frame 47" should be "framer 47". Also, all instances of claim numbers stated in the specification should be removed. Refer to stated claim numbers in the invention summary section as well as the preferred embodiment sections of the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1 and 5** are rejected under 35 U.S.C. 102(e) as being anticipated by Willard (U.S. 6,374,405). The Willard reference discloses all of the limitations of the listed claims for the reasoning that follows.

Regarding claim **1**, the scheduler 34 of Figure 3 of Willard anticipates a scheduling controller. A request receiving means for receiving a plurality of processing

Art Unit: 2666

requests is anticipated by the interspersed packet transmission by scheduler 34 in column 6, lines 8-16 of Willard. A start time calculating means is anticipated by the start time calculator spoken of in column 6, lines 65-66 of Willard. Calculation of a scheduling start time relative to a predetermined scheduling end time is anticipated by Figure 7a as well as column 9, lines 22-25 of Willard. Figure 7a shows a predetermined end time D_1 that is used to determine a start time S_1 . A scheduling means for scheduling received processing requests is anticipated the scheduler 34 of Figure 3 of Willard.

Regarding claim 5, a scheduling method is anticipated by the scheduling method spoken of in column 2, lines 28-29 of Willard. Receiving a plurality of processing requests is anticipated by the plurality of packetized modules spoken of in column 2, line 29 of Willard. Calculating a scheduling start time relative to a predetermined end time is anticipated by Figure 7a as well as column 9, lines 22-25 of Willard. Figure 7a shows a predetermined end time D_1 that is used to determine a start time S_1 . Scheduling processing requests is anticipated by the scheduled module transmission spoken of in column 3, lines 3-9 of Willard.

Allowable Subject Matter

4. Claims 2 and 6-8 are allowed.
5. Claims 3, 4, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2666

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rhine (U.S. 6,289,383), Tiedemann, Jr. et al. (U.S. 5,914,950), Angle et al. (U.S. 6,661,788), Miller et al. (U.S. 5,920,701), and Chen et al. (U.S. 5,923,650) are all references that contain material pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Moore, Jr. whose telephone number is (703) 305-8703. The examiner can normally be reached during the hours of 8:30am - 5:00pm (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

mjm MM

Seema S. Rao
SEEMA S. RAO 12/19/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Application/Control Number: 09/635,131

Art Unit: 2666

Page 5